

**UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
1442.004C

Total Pages in this Submission

4

TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

FLOW CONTROL DEVICE FOR TUB, SPA, OR SHOWER

and invented by:

**Anthony Brennan;
W. John Gardenier; and
John V. Maiuccoro**

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: **10/282,445, filed October 29, 2002, pending;**

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: **09/497,331, filed February 3, 2000, now U.S. Patent No. 6,490,740, issued December 10, 2002**

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: **09/339,714, filed June 24, 1999, now U.S. Patent No. 6,185,757, issued February 13, 2001.**

This application is also a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: **09/896,906, filed June 29, 2001, pending;**

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 31 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
1442.004C

Total Pages in this Submission
4

Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal Number of Sheets 20
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☒ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EL 997225216 US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Total Pages in this Submission
4

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted:

18. ☐ Additional Enclosures (please identify below):

| |
|--|
| |
|--|

19. ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
1442.004C

Total Pages in this Submission
4

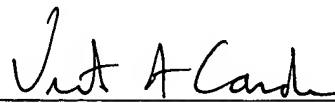
Fee Calculation and Transmittal

CLAIMS AS FILED

| For | #Filed | #Allowed | #Extra | Rate | Fee |
|--|--------|----------|--------|-----------|----------|
| Total Claims | 20 | - 20 = | 0 | x \$9.00 | \$0.00 |
| Indep. Claims | 4 | - 3 = | 1 | x \$43.00 | \$43.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| BASIC FEE | | | | | \$385.00 |
| OTHER FEE (specify purpose) _____ | | | | | \$0.00 |
| TOTAL FILING FEE | | | | | \$428.00 |

- ☒ A check in the amount of \$428.00 to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 08-1935 as described below.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: November 3, 2003


Signature

VICTOR A. CARDONA, ESQ.
Attorney for Applicants - Registration No. 44,589

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203
Phone: 518-452-5600
Fax: 518-452-5579

CC:

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

In Re Application of **BRENNAN et al.**

Title: **FLOW CONTROL DEVICE FOR TUB, SPA, OR SHOWER**

Attorney Docket No.: **1442.004C**

"EXPRESS MAIL" MAILING LABEL NO. **EL 997225216 US**

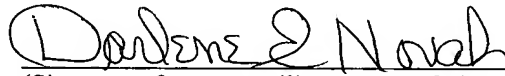
Date of Deposit: **NOVEMBER 3, 2003**

I hereby certify that this paper is being deposited with the U.S. Postal Service
"Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date
indicated above and addressed to:

**MAIL STOP PATENT APPLICATION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450**

DARLENE E. NOVAK

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

DOCUMENTS INCLUDED WITH THIS EXPRESS MAIL CERTIFICATE - EL 997225216 US:

- * One (1) Acknowledgment Postcard
- * Check in the amount of \$428.00 for Application Filing Fee.
- * Small Entity Utility Patent Application Transmittal Letter (4 pages) (in duplicate)
- * U.S. Patent Application which includes: Specification (31 pages, including 20 Claims and Abstract
- * Formal Drawings (20 Pages) (FIGS. 1-31)
- * Unexecuted Declaration and Power of Attorney of inventors Anthony Brennan, W. John Gardenier, and John V. Maiuccoro
- * EFS Application Data Sheet (3 pages)
- * Copies of Information Disclosure Citations (PTO-1449) and Notice of References Cited (PTO-892) (8 pages) from U.S. Serial No. 10/283,445, filed October 29, 2002, and U.S. Serial No. 09/896,906, filed June 29, 2001.